

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

First Named Inventor: FITZPATRICK, JOSEPH

Serial No: 09/539,096

Group Art Unit: 3736

Filed: March 30, 2000

Examiner: Jeffrey Gerben Hoekstra

Att. Docket No.: D2025/20064

Confirmation No.: 7874

For: BODY FUNCTION MEASURING APPARATUS

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 7, 2007, and the Advisory Action dated July 27, 2007, the period for response having been extended an additional second and third month by the attached Petition for Extension of Time to September 7, 2007, Applicants respectfully reconsideration for at least the reasons set forth below.

As set forth in the Advisory Action, the Applicants' reply dated July 9, 2007 overcomes the anticipatory rejections set forth in the Final Office Action dated March 7, 2007 and appear to place the application in better condition for allowance. In addition, Applicants' Affidavit filed July 9, 2007 overcomes the objection under 37 C.F.R. §1.172(a) and appears to place the application in better condition for allowance. However, as noted in the Advisory Action, the amended and pending Claims 1, 2, 4-6, 8, 9, 11, 13, 15, 29 and 32-34 remain rejected to under 35 U.S.C. §251 as being based upon a defective reissue declaration. Applicants attach hereto a supplemental Reissue Declaration under 37 C.F.R. §1.175 which states that all errors arose without any deceptive intent and clarifies the residence and mailing address for each inventor. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §251 is respectfully requested.